



***de maximis, inc.***

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July 14, 2011

**VIA ELECTRONIC & US MAIL**

Ms. Stephanie Vaughn  
Ms. Alice Yeh  
ATTN: Lower Passaic River Remedial Project Manager  
Emergency and Remedial Response Division  
U.S. EPA, Region 2  
290 Broadway, 19th Floor  
New York, New York 10007

**Re: Monthly Progress Report No. 50 – June 2011  
Lower Passaic River Study Area (LPRSA) Remedial Investigation/  
Feasibility Study (RI/FS)  
CERCLA Docket No. 02-2007-2009**

Dear Ms. Vaughn and Ms. Yeh:

**de maximis, inc.** is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

**(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.**

**Meetings/Conference Calls**

- On June 6, CPG, EPA, and CPG and EPA contractors held a conference call to discuss the Lower Passaic River (LPR) database and the submission by CPG of questions regarding the EPA dioxin split sample data from the 2009 Benthic Sediment Survey.
- On June 23, CPG and EPA representatives held a conference call regarding Low Resolution Coring (LRC) split sample data and revised LRC Report submission.

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- On June 30 CPG and EPA representatives met as part of the regular update meetings to discuss response to comments on the LRC Report and characterization of River Mile (RM) 10.9 sediment.

### **Correspondence**

- On June 2, EPA provided split sample Electronic Data Deliverables (EDD) for the Field Sampling Plan Volume 2 (FSP2) Fish-Worm tissue samples to CPG.
- On June 6, CPG submitted a letter identifying additional CPG comments and issues with the EPA LRC split sample data to EPA.
- On June 14, EPA provided comments on the 2010 Avian Survey Report to CPG.
- On June 14, EPA provided additional comments on the revised 2010 Bathymetry Survey Report.
- On June 15, CPG submitted a memorandum on the processing of Newark Bay wave data from the spring 2010 Physical Water Column Monitoring (PWCM) Program to EPA.
- On June 15, CPG submitted the Monthly Progress Report to EPA.
- On June 16, CPG uploaded the revised 2009 Benthic Community Survey Field Report and the draft 2010 Benthic Community Survey Field Report to EPA's SharePoint site.
- On June 17, CPG uploaded the revised 2010 Habitat Survey Field Report to EPA's SharePoint site.
- On June 21, CPG uploaded the revised 2010 Fish Community Survey and Tissue Collection Report to EPA's SharePoint site.
- On June 22, EPA provided the 2009 EPA split sample data for FSP2 benthic sediment and tissue data to CPG.
- On June 23, EPA provided the corrected values for the 2008 LRC dioxin and furan split sample data to CPG.
- On June 24, CPG uploaded the draft RM 10.9 Characterization QAPP to EPA's SharePoint site.
- On June 29, CPG submitted the proposed Caged Bivalve Study (CBS) tissue analysis plan to EPA.

### **Work**

- CPG conducted the Day 90 (final) check of the caged bivalves at the estuarine and freshwater locations on June 8.

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- CPG continued developing responses to EPA comments on the Small Volume (SV) Chemical Water Column Monitoring (CWCM) QAPP received on May 12.
- CPG continued planning activities for the High Volume CWCM QAPP Addendum.
- CPG continued reviewing and responding to EPA's comments on the risk assessment planning documents (Background/Reference Site and Toxicity Reference Value documents).
- CPG Modeling Team continued analysis of the PWCM data to support Sediment Transport Model development and calibration.
- CPG Modeling Team continued work on the HQI ECOM-SEDZLJS Sediment Transport Model code including calibration for low-flow conditions utilizing CPG input files.
- CPG Modeling Team prepared a more detailed description of the Organic Carbon model simplification based on the discussion with EPA team.
- CPG completed revising the 2010 Habitat Survey Report.
- CPG completed revising the winter/spring 2010 Fish Community Survey field report.
- CPG completed responses to EPA comments on the spring 2010 Benthic Community Survey field report.
- CPG completed revising the 2010 Avian Survey Report.
- CPG completed drafting the summer 2010 Benthic Community Survey field report.
- CPG continued drafting of the summer/fall 2009 Fish/decapods Tissue Data Report.
- CPG continued drafting of the fall 2009 Benthic Sediment and 2010 Co-located Sediment Chemistry Data Report.
- CPG continued drafting of the fall 2009 Benthic Bioaccumulation Tissue Data Report.
- CPG continued drafting of the fall 2009 Benthic Survey toxicity data report.
- CPG initiated drafting of the winter/spring 2011 Avian Survey Report.
- CPG began revising the LRC QAPP to conduct the RM 10.9 characterization activities.
- CPG continued review of sediment characteristics and potential target remedy locations in support of initial Feasibility Study (FS) evaluations.
- CPG continued development of a FS cost estimating framework.

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**(b) Results of Sampling and Tests**

- None.

**(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion**

- CPG will continue drafting of the fall 2009 Benthic Survey toxicity data report.
- CPG will continue drafting the 2009 summer and fall Fish/Decapod Tissue Data Report.
- CPG will continue drafting the fall 2009 Benthic Sediment and 2010 Co-located Sediment Chemistry Data Report.
- CPG will continue drafting the fall 2009 Benthic Bioaccumulation Tissue Data Report.
- CPG will continue drafting the 2010 Small Foraging Fish Tissue Chemistry Data Report.
- CPG will complete revisions to the 2010 Avian Survey Report.
- CPG will continue drafting of the 2011 Avian Survey Report.
- CPG will continue to revise the risk assessment planning documents (Background/Reference Site and Toxicity Reference Value documents) in response to EPA comments.
- CPG will complete revisions to the SV CWCM QAPP, continue preparations for the first SV CWCM monitoring event and initiate field work upon approval of QAPP.
- CPG will continue planning activities for the High Volume CWCM QAPP Addendum.
- CPG will continue planning for mobilization for the RM 10.9 Characterization and initiate field work upon approval of QAPP.
- CPG will initiate processing of tissue samples from the CBS.
- CPG Modeling Team will continue work with the HQI ECOM-SEDZLJS code, inputs, and low to medium flow calibration and continue work with the RCATOX code and inputs.
- CPG will participate in LPR/Newark Bay Modeling Program progress calls and follow-up modeling collaboration meetings with EPA and EPA consultants.
- CPG will continue FS evaluation of targeted remedy locations and development of cost estimating tools.

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**(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.**

- Based upon discussions with EPA, the CPG understands that the calibration of the HQI sediment transport model was completed by the EPA Modeling Team during the fourth quarter of CY 2010 and that changes were and continue to be made to the HQI SEDZLJS code and inputs used by EPA in its calibration. It is also the CPG's understanding that EPA is continuing work to improve their calibration. As such, the CPG is continuing to work on both its high flow calibration and its long-term daily calibration. The EPA and CPG collaboration meetings were conducted in April and May and a third meeting is scheduled for July; these meetings are providing an opportunity for both modeling teams to understand differences between each team's approaches. Delays associated with both the sediment transport modeling and chemical fate transport modeling schedules are extending the completion of the LPRSA RI/FS.
- The CPG received the EPA comments on its April 15, 2011 response to comments on the EPA's November 4, 2011 comments on the draft SV CWCM QAPP. The CPG is revising the QAPP and will submit the documents in early July and anticipates initiating the program in mid August 2011. The delays associated with both the SV CWCM and CSO (see below) Programs have extended the completion of the RI/FS to January 2015.
- The CPG understands that the EPA has approved Tierra's CSO/SWO Workplan in May 2011. It is CPG's understanding that the AOC has to be signed between EPA and Tierra. It is also the CPG's understanding that the Method Detection Studies and other work must be completed prior to the start of the Phase 1 work. The extent of the RI/FS schedule impacts is dependent on the completion of these items.
- In the CPG's November 19, 2010 response to EPA's November 5, 2010 risk assessment planning directive letter, the CPG agreed to revise the risk assessment planning documents consistent with EPA's September 10, 2010 comments. Resolution of responses to EPA's comments is required prior to the CPG's revision of the risk planning documents. The revised risk assessment planning documents were submitted to EPA on February 10 and are being reviewed by EPA. The CPG is drafting and/or revising the TRV deliverable, Reference/Background document, Data Usability and Life History Profiles.

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- The revisions to the LRC Report directed by EPA in its June 2010 and January 2011 comment letters are currently being conducted by the CPG. As a result of the EPA-CPG February 24 teleconference and in response to January 2011 Specific Comment 1, EPA has provided the CPG with: 1) original Axy's PCDD/PCDF split results EDD; 2) EQA Data Validation reports; 3) adjusted CDM MEDD; and 4) guidance on how to document the adjustment in form of a data qualifier or specific method code. As discussed with EPA on May 19 and 26, the CPG has identified issues regarding the MPI Split Data set and it was agreed to delay the submission of the LRC report past the planned date of June 17. The CPG submitted a June 6, 2011 letter discussing its concerns with the MPI Split Data; EPA indicated during the June 30 EPA-CPG meeting that it was moving forward with the application of PCDD/PCDF adjustment factors. It was agreed that the CPG would submit the revised LRC report on July 22. EPA indicated that they would continue to study the issues raised by the CPG and would produce a report in approximately three months. The CPG has agreed to resubmit the revised LRC report with the adjusted values prior to EPA completing its review of the issues raised in the CPG's June 6 letter. The CPG will prepare a cover letter noting its objections for the Administrative Record and is evaluating any additional response.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

**de maximis, inc.**

  
Willard F. Potter  
Project Coordinator

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cc: Pat Hick, EPA Office of Regional Counsel  
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